IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT:

THE HON'BLE MR. JUSTICE V.ESWARAIAH

WRIT PETITION NO : 1760 of 2001

Between:

1. Smt. V.Parvatha Vardhanamma,

W/o. N.S.Sarma,

Aged about 52 years, Occupation: Secondary Grade Teacher, S.E.Railway Aided Primary School,

Marripalem, Visakhapatnam.

2. R. Syamala Devi,

W/o. U.G.K. Patnaiak,

Aged about 55 years, Occupation Secondary Grade Teacher, S.E. Railway Aided Primary School,

Marripalem, Visakhapatnam.

3. N. Hemalatha, W/o. late T.N.K.Murthy,

Aged about 62 years,

Occupation: Retired Secondary Grade Teacher,

S.E. Railway Aided Primary School,

Marripalem, Visakhapatnam.

….. PETITIONERS

AND

1. State of Andhra Pradesh, Represented by its

   Secretary to Government, Education Department,

   Secretariat Buildings, Saifabad, Hyderabad-500 022.

2. The Director of School Education,

   Government of Andhra Pradesh, Saifabad,

   Hyderabad 500 004.

3. The District Education Officer,

   Visakhapatnam, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more particularly one in the nature of writ of mandamus 1) by declaring the action of the respondents in not releasing the salaries for the period from 1-9-1985 to 31-10-1989 as arbitrary, illegal, unjust and discriminatory 2) Consequently to direct the respondents to forthwith release the salaries due to petitioners from 1-9-1985 to 31-10-1989 towards arrears of the grant-in-aid.

Counsel for the Petitioners: Mr. Nuty Ram Mohan Rao

Counsel for the Respondents: GP For School Education.

The Court made the following order:

It is the case of the petitioners that they are holding aided posts in S.E. Railway Aided Primary School and they are entitled to receive salary in accordance with grant-in-aid. It is stated that presently the third petitioner is retired from service. After their posts are admitted into grant-in-aid w.e.f. 1985, they were paid salaries and allowances in terms of grant-in-aid regularly from 1-11-1989 onwards in accordance with the scheme. But from 1-9-1985 to 31-10-1989, the differences of amount of salaries were not paid. It is their contention that when the grant-in-aid was given with effect from 1-9-1985, the petitioners are entitled for the arrears of the salaries from 1-9-1985 to 31-10-1989.

The issue raised in this writ petition is squarely covered by a Division Bench judgment of this Court in W.P.No.31754 of 1997 dated 27-2-2003.

Following the above judgment, the writ petition is allowed directing the respondents to make payments of the unpaid salaries for the period from 1-9-1985 to 31-10-1989 within three months from the date of receipt of a copy of this Order. No costs.

1-09-2004

lvl